

UNITED STATES OF AMERICA
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No. CR-07-00457-RMW
)	
Plaintiff,)	[PROPOSED] PRELIMINARY ORDER
)	OF FORFEITURE
v.)	
)	
MICHAEL WAYNE GAITHER,)	
)	
Defendant.)	
_____)	

Having considered the application for a preliminary order of forfeiture filed by the United States and the plea agreement entered on October 1, 2007, wherein the defendant admitted to the forfeiture allegation, and good cause appearing,

IT IS HEREBY ORDERED that defendant Michael Wayne Gaither forfeit to the United States all of his right, title and interest in:

- a. a Mosin Nagant, Model M44, 7.62 x 54mm caliber rifle, serial number M44018448;
and
 - b. 32 rounds of 7.62 of 7.62 x 54mm caliber ammunition
- pursuant to Title 18, United States Code, Section 924(d).

IT IS FURTHER ORDERED that the United States, through its appropriate agency, shall seize the forfeited property forthwith and publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the government's intent to dispose of the property in such manner as the Attorney General may direct and provide notice

1 that any person, other than the defendant, having or claiming a legal interest in the property
2 must file a petition with the Court and serve a copy on government counsel within thirty (30)
3 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4 IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Criminal
5 Rules of Procedure, this Preliminary Order of Forfeiture shall become final as to the defendant at
6 the time of sentencing and shall be made part of the sentence and included in the judgment.

7 IT IS SO ORDERED this ____ day of _____ 2007.

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10 RONALD M. WHYTE
United States District Judge
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